



February 2, 2010

Anthony Toto
Regional Water Quality Control Board, Central Valley Region
1685 E Street
Fresno, CA 93706
Sent via e-mail to: atoto@waterboards.ca.gov

Re: Comments on Tulare Lake Basin Plan Triennial Review

Dear Mr. Toto:

Thank you very much for the opportunity to submit written comments on the draft work plan for the Triennial Review of the Water Quality Control Plan for the Tulare Lake Basin. We appreciate the Regional Water Quality Control Board for the Central Valley Region's ("Regional Board") efforts to open the Triennial Review process to the public and involve interested groups in the identification of priority issues for the next three years. We applaud the Regional Board's renewed focus on the serious issues of groundwater quality and salt and nitrate contamination, and we hope that the following written comments will help contribute to this important effort.

The Community Water Center is a non-profit organization based in Visalia, California, dedicated to ensuring that disadvantaged communities have access to safe, clean and affordable drinking water. We work directly with many severely disadvantaged communities throughout the southern San Joaquin Valley to help ensure they can access safe sources of water, as well as access funding for basic drinking water infrastructure, among other drinking water challenges. Because the vast majority of these communities depend upon groundwater as their sole source of drinking water, we also work to ensure that this important resource is protected from further contamination and to promote efforts to mitigate existing contamination and the resulting public health crisis.

Prioritization

We strongly support the increased emphasis and prioritization of the related issues of groundwater quality and contamination by salt and nitrate that the draft work plan reflects in Issues 3 and 4. In particular, we appreciate the acknowledgement in Issues 3 and 4 that the rise in nitrate levels throughout the Central Valley is a major problem that requires action to protect our groundwater resources and our communities from negative health and other impacts from this growing crisis. Similarly, we also appreciate the recognition in Issue 4 that there is a strong need for an organized, comprehensive effort to address the prevention and cleanup of groundwater contamination in the Tulare Lake Basin. As we indicated in our written comments



on August 31, 2007, groundwater contamination is causing a severe drinking water crisis, and the continued contamination of groundwater, particularly with nitrate, means that municipal and domestic beneficial uses are not being protected and must be restored. We are hopeful that the draft work plan's prioritization of these issues will lead to increased allocation of resources and funding toward the resolution of this urgent problem, and we urge the Board to ensure that the steps outlined in the work plan be as concrete and achievable as possible to ensure that the Basin Plan incorporates drinking water source protection, particularly groundwater, as a top priority and develops a clear, concrete timetable and action plan for implementation, as required by California Water Code Section 13242.

We also strongly support the work plan's prioritization of nonpoint source impacts to groundwater quality, particularly the statement in the work plan that "[w]here presence of salt and chemicals are due to nonpoint source impacts and the source is not clear, investigations should be done to identify potential sources of these contaminants and practices should be developed to mitigate these impacts," on page 8. We urge the Board to ensure that the work plan includes a program of implementation for this recommendation that is as specific as possible about how and when this recommendation should be carried out and about which programs, whether new or existing, will implement this recommendation. With respect to the identification of sources of nitrate contamination, we recommend that the work plan include a discussion of how the California State Water Resources Control Board nitrate source study authorized in SB1xx will be integrated into the Regional Board's efforts. We further urge the Board to include not only the identification of the sources of nitrate contamination, but also to incorporate best management practices and treatment technology into the requirements for all dischargers and to develop mechanisms for effective monitoring and enforcement.

Given the above, we recommend that the priority issues in the work plan be reordered to reflect the importance and urgency of addressing the groundwater quality problems facing the Tulare Lake Basin. Specifically, we recommend that Issues 3 and 4 be given higher priority, and that Issue 1 be given lower priority. With respect to Issue 1, we are concerned that a focus on the designation of beneficial uses, particularly the removal of the MUN beneficial use from certain areas of contaminated groundwater, will detract from the needed focus on groundwater quality by taking up staff time and resources without resulting in any proactive measures toward preventing further groundwater contamination and restoring groundwater quality in areas where improper degradation has already taken place. As we have stated previously, it is vital that municipal use designations not be eliminated in areas where drinking water wells are located merely because point or nonpoint contamination sources have been allowed to pollute the aquifer to the point that it is no longer useable. The Regional Board has a responsibility to protect and restore our water for beneficial uses.



Allocation of Funding and Resources

Because we strongly support the work plan's prioritization of the issues of groundwater quality and nitrate contamination, we urge the Board to ensure that adequate resources and funding are allocated without delay towards a concrete plan of implementation to address these issues. To the extent that this work can be accomplished through existing programs, we recommend that the work plan clarify which programs will be involved and how these programs will be modified to protect and restore impacted groundwater. Similarly, we recommend that the work plan clarify whether new programs will need to be created and how any such programs will work with existing programs to carry out a comprehensive plan of implementation to address water quality and nitrate contamination.

Conclusion

Thank you again for the opportunity to submit our comments. We look forward to continuing to work with the Board to ensure that our waters are adequately protected and that all communities have access to safe, clean and affordable drinking water.

Best Regards,

Britton Schwartz
Legal Consultant, Community Water Center